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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,314	01/22/2004	A. Michael Mondry	011972-0002	3097
20559	7590	06/22/2007		
ROBIC CENTRE CDP CAPITAL 1001, VICTORIA SQUARE - BLOC E - 8TH FLOOR MONTREAL, QC H2Z 2B7 CANADA			EXAMINER ORR, HENRY W	
			ART UNIT 2176	PAPER NUMBER
			MAIL DATE 06/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/761,314	Applicant(s) MONDRY ET AL.	
	Examiner Henry Orr	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to application communication filed on 1/22/2004.
2. Claims 1-20 are pending in the case. Claims 1 and 11 are independent claims.

Drawings

3. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. **Claims 1-20 are objected to because of the following informalities:**

Claims 1, 2, 6, 9-12, 16, 19 and 20:

Claims 1, 2, 6, 9-12, 16, 19 and 20 do not have periods at the end of the sentence to properly conclude the claims. See MPEP 608.01.

Claims 6 and 16:

Claims 6 and 16 recite the phrase “**should this be the case**” in line 3, which should be omitted to clearly point out the subject matter in the claim.

Claims 8 and 18:

Claims 8 and 18 recite the phrase “**further the icon**” which appears to be a grammatical error.

Claims 2-10 and 12-20:

Dependent claims 2-10 and 12-20 are objected for fully incorporating the deficiencies of their respective base claims.

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

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Claims 1 and 11:

Independent claims 1 and 11 recite the phrase **“the first object”**. There is insufficient antecedent basis for this limitation in the claims because the phrase has not been previously recited within the respective independent claims.

Independent claims 1 and 11 recite the phrase **“said list of attached objects”**. There is insufficient antecedent basis for this limitation in the claims because the phrase has not been previously recited within the respective independent claims.

Claims 2 and 12:

Claims 2 and 12 recite the phrase **“the mode”**. There is insufficient antecedent basis for this limitation in the claims because the phrase has not been previously recited in their respective base claims.

Claims 2 and 12 recite the phrases **“the mode”**, **“the interface”**, **“the interact”** and **“the drag-and-drop tool”**. There is insufficient antecedent basis for this limitation in the claims because the phrase has not been previously recited in their respective base claims.

Claims 2 and 12, recite the phrase **“deleting or rotating an image”**, which renders the claims as indefinite because it is unclear whether the phrase in parenthesis is part of the claimed invention.

Claims 2, 9, 10, 12, 19 and 20:

As per claims 2, 9, 10, 12, 19 and 20, the phrase **"for example"** renders the claims indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claims 3 and 13:

Claims 3 and 13 recite the phrase **"the left-most position"**. There is insufficient antecedent basis for this limitation in the claims because the phrase has not been previously recited in their respective base claims.

Claims 3, 4, 5, 7, 13, 14, 15 and 17:

Claims 3, 4, 5, 7, 13, 14, 15 and 17 recite the phrase **"the set of icons"**. There is insufficient antecedent basis for this limitation in the claims because the phrase has not been previously recited in their respective base claims.

Claims 4 and 14:

Claims 4 and 14 recite the phrase **"the top-most position"**. There is insufficient antecedent basis for this limitation in the claims because the phrase has not been previously recited in their respective base claims.

Claims 5 and 15:

Claims 5 and 15, recite the phrase **“the number”**. There is insufficient antecedent basis for this limitation in the claims because the phrase has not been previously recited in their respective base claims.

Claims 6 and 16:

Claims 6 and 16, recite the phrases **“the final object”**, **“the fixed-size list of icons”** and **“the case”**. There is insufficient antecedent basis for this limitation in the claims because the phrase has not been previously recited in their respective base claims.

Claims 6 and 16, recite the pronoun **“it”**, which renders the claims as indefinite because what is being referred to as **“it”** is not set forth in the claim.

Claims 7 and 17:

Claims 7 and 17, the phrase **“such as”** renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claims 7 and 17 recite the phrases **“the mouse wheel”**, **“the first position”**, **“the last position”**, and **“the displayed list of icons”**. There is insufficient antecedent basis for this limitation in the claims because the phrase has not been previously recited in their respective base claims.

Claims 10 and 20:

Claims 10 and 20 recite the phrases **“the intent”**, **“the first item”**. There is insufficient antecedent basis for this limitation in the claims because the phrase has not been previously recited in their respective base claims.

Claims 2-10 and 12-20:

Dependent claims 2-10 and 12-20 are rejected for fully incorporating the deficiencies of their respective base claims.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-5, 7-15 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Magid et al. (“Magid”), U.S. Patent No. 5,764,873.**

Claim 1:

Magid teaches detecting a user action of dragging one or more objects from an external source over said display using a mouse (“input device”) (see col. 7 lines 52-67 thru col. 8 lines 1-6). **(claim 1; i.e., Detecting the user action of dragging one or more objects from an external source over said display using said input device)**

Magid teaches displaying a drag set of icons attached to the mouse course representing all of said dragged objects (see col. 6 lines 49-56). **(claim 1; i.e., While at least one said object remains undropped, continuing to execute the following actions: a) Displaying a set of visual representations of said objects proximal to current position of said cursor representing a subset or all of said dragged objects,)**

Magid teaches detecting the user's intention to drop an object and processing the dropping of the first object in the drag set of icons ("list of attached objects") (see col. 9 lines 11-12 and lines 23-30). **(claim 1; i.e., b) When the user's intention to drop an object is detected, executing the following actions: b1) Processing the dropping of the first object in the said list of attached objects)**

Magid teaches the drag set of icons (" visual representations") to be attached to the mouse until the user exits from the drag and drop operation (see col. 6 lines 49-56, col. 7 lines 14-20). **(claim 1; i.e., b2) Removing the said representation of said dropped object from said set visual representations attached to said cursor)**

Examiner interprets the drag set of icons to be capable of being a list of only one object (see col.7 lines 64-65). Therefore, when the first and only object is dropped, the drag set of icons are removed and no longer attached to the mouse.

Claim 2:

Magid teaches escaping ("abort") and re-entering the mode of dropping multiple objects (see col. 7 lines 1-10). **(claim 2; i.e., wherein the user is able to abort or**

temporarily leave and re-enter the mode of dropping multiple objects, said method comprising Signaling the intent to temporarily exit drag-and-drop mode)

Magid teaches doing other intermediate steps ("work") in the interface (see col. 1 lines 56-58). **(claim 2; i.e., Doing other work in the interface)**

Magid teaches the ability to signal the intent to re-enter drag-and-drop mode to continue to interact with the drag-and-drop tool (see col. 6 lines 35-42). **(claim 2; i.e., Signaling the intent to re-enter drag-and-drop mode Continuing the interact with the drag-and-drop tool)**

Claim 3:

Magid teaches the drag set of icons to be arranged subsequent order during a first pass (see col. 8 lines 52-65). **(claim 3; i.e., wherein the set of icons are further arranged in a regular row extending from the right of the cursor position and sorted by selection order with the icon representing the next object to be dropped at the left-most position.)** Examiner interprets the drag set of icons to be capable of being a set with only one icon (see col.7 lines 64-65). Therefore, the one icon of the set is interpreted to be a regular row of only one icon and the icon being the next object to be dropped since the icon is the only one of the set.

Claim 4:

Magid teaches the drag set of icons to be arranged subsequent order during a first pass (see col. 8 lines 52-65). **(claim 1; i.e., wherein the set of icons are further**

arranged in a regular column extending down from the cursor position and sorted by selection order with the icon representing the next object to be dropped at the top-most position.) Examiner interprets the drag set of icons to be capable of being a set with only one icon (see col.7 lines 64-65). Therefore, the one icon of the set is interpreted to be a regular column of only one icon and the icon being the next object to be dropped since the icon is the only one of the set.

Claim 5:

Magid teaches the drag set of icons representing the group ("number") of dragged objects remaining (see col. 8 lines 7-10 and lines 52-55). **(claim 5; i.e., wherein the set of icons representing the dragged objects that are displayed is further limited to a fixed number or the number of objects remaining, whichever is less.)** Examiner interprets the drag set of icons to be the remaining selected objects to be dropped.

Claim 7:

Magid teaches manipulating the drag set of icons attached to the cursor by pressing a set of key strokes to add objects to the drag set of icons to change the position of the object within the drag set of icons (see col. 8 lines 52-65). **(claim 7; i.e., wherein the set of icons attached to the cursor can be further manipulated by the user, the method comprising Rolling the mouse wheel or pressing a key such as the right arrow key to send the object in the first position**

within the set of objects attached to the cursor to the last position and refreshing the displayed list of icons accordingly)

(claim 7; i.e., Rolling the mouse wheel in the opposite direction or pressing a key such as the left arrow key to send the object in the last position within the set of objects attached to the cursor to the first position and refreshing the displayed list of icons accordingly.) Examiner interprets an object in the first position to be moved to the last position by adding object subsequently to the drag set of icons (see col. 8 lines 52-65). Examiner also interprets an object in the last position to be moved in the first position by choosing the delete option from the cascade menu to remove an object from a drag set of icons (see col. 9 lines 10-22).

Claim 8:

Magid teaches object being dropped is an image and the icon representing the image ("reduced-resolution version of said image") (see col. 4 lines 39-48, col. 8 lines 7-13). **(claim 8; i.e., wherein an object being dropped is an image, and further the icon representing said image is a reduced-resolution version of said image.)**

Claim 9:

Magid teaches additional objects can be inserted into the drag set of icons attached to the cursor as recited in claim 9 (see col. 8 lines 24-65).

(claim 9; i.e., wherein additional objects can be inserted into the set of icons attached to the cursor, the method comprising Moving the pointing device such

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that the cursor is positioned over a non-dragged object to be added to the set of dragged objects, Detecting the user's intention to insert said non-dragged object into the set of dragged objects, for example by pressing and releasing the second button on said pointing device Adding a representation of said non-dragged object to the set of dragged objects)

Claim 10:

Magid teaches objects can be removed from the drag set of icons attached to the cursor when the object is dropped (see col. 9 lines 11-12 and lines 23-30).

(claim 10; i.e., wherein objects can be removed from the set of icons attached to the cursor, the method comprising Signaling the intent to remove the first item from the list) Examiner interprets the drag set of icons to be capable of being a list of only one object (see col.7 lines 64-65). Therefore, when the only object is the first item dropped from the drag set of icons.

Claims 11-15 and 17-20:

Claims 11, 12, 13, 14, 15, 17, 18, 19 and 20 include a program embodied on a computer readable medium to implement the steps that are substantially encompassed in method claims 1, 2, 3, 4, 5, 7, 8, 9 and 10 respectively; therefore the claims are rejected under the same rationale as method claims 1, 2, 3, 4, 5, 7, 8, 9 and 10 above.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Magid as cited above in view of Ryzhov, U.S. Published Application No. 2003/0107601 A1.**

Claim 6:

Magid fails to expressly teach applying an alpha gradient for transparency or appending an icon indicating the presence of additional but unseen icons.

However, Ryzhov teaches allowing a drag image to appear semi-transparent. (see abstract, par. 21). **(claim 6; i.e., wherein the final object in the set of icons representing the dragged objects is further modified to indicate that additional files remain to be dropped beyond those that are visible in the fixed-size list of icons, should this be the case, the method comprising one of Applying an alpha gradient to a thumbnail such that it fades to transparency)**

It would have been obvious to one of ordinary skill in the art the time the invention was made to modify the drag set of icons as taught by Magid to include a semi-transparency as taught by Ryzhov to provide the benefit of achieving a better visual effect during a drag and drop operation (see Ryzhov; abstract).

Claim 16:

Claim 16 includes a program embodied on a computer readable medium to implement the steps that are substantially encompassed in method claim 6; therefore the claim is rejected under the same rationale as method claim 6 above.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry Orr whose telephone number is (571) 270 1308. The examiner can normally be reached on Monday thru Friday 8 to 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

6/18/2007

HO



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